

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21293 of 2014

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Birendra Jha son of Late Bhushan Jha Resident of Village- Ghoghardiha , P.S.
Ghoghardiha, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Collector Madhubani
2. The Circle Officer Ghoghardiha, District - Madhubani.
3. Faken Jha
4. Sibu Jha Both sons of Lakshmeshwar Jha @ Brajeshwar Jha resident of Village - Ghogharduha, P.S. Ghoghardiha, District - Madhubani.
5. Bhagwan Jha
6. Murari Jha
7. Krishan Kumar Jha All sons of Late Surendra Jha resident of village - Ghoghardiha, P.S. Ghoghardiha, District - Madhubani.
8. Indu Devi Wife of Harindra Jha
9. Asha Devi wife of late Mane Jha, Both daughters of Late Surendra Jha, resident of Village - Ghoghardiha, P.S. Ghoghardiha, District - Madhubani.
10. Narendra Jha
11. Dharendra Jha Both sons of Late Bhushan Jha Resident of Village- Ghoghardiha , P.S. Ghoghardiha, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Respondent/s : Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 31-08-2018

This application has been filed for quashing the order dated 21.08.2014 passed by Sub Judge-I, Jhanjharpur in Title Suit No.49 of 2009 whereby and whereunder the prayer of the respondent (State of Bihar) to recall the order dated 24.11.2011 was allowed.

2. Heard learned counsel for the petitioner and the respondents.

3. The petitioner filed the aforesaid suit for declaration of



his title over 2 acres 74 decimals land as mentioned in schedule-1 of the plaint. The said land stands recorded in the name of defendant/State of Bihar. The respondent State of Bihar did not appear before the court below and therefore, the suit was fixed for ex-parte hearing as per order dated 24.11.2011. The respondent/State of Bihar getting knowledge about the ex-parte hearing of the suit filed a petition to recall the said order which after hearing was allowed subject to payment of cost to the tune of Rs.500/- to the plaintiff.

4. The learned counsel for the petitioner submits that the respondent no.2, the concerned Circle Officer who had to take step for filing the written statement was transferred to another Anchal and he without giving charge or bringing to the notice of his successor regarding pendency of the suit left the office. The learned counsel for the State got information regarding pendency of the suit and on his information, the State of Bihar appeared and filed petition to recall the order fixing the case for ex-parte hearing. The learned court below considering the submission of State of Bihar allowed the petition subject to payment of Rs.500/- to the plaintiff in order to compensate him. Thus, I find that the court below has not committed any jurisdictional error in recalling the order dated 24.11.2011 fixing the case for ex-parte hearing.

5. In view of discussions, I do not find any merit in this



application and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.08.2018
Transmission Date	N/A

